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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TIMOTHY D. WILKINS,) NO. CV 22-3608-SVW(E)
Plaintiff,)
v.) ORDER RE VOLUNTARY DISMISSAL
HOLCOLM, ET AL.,)
Defendants.)

On October 17, 2022, Plaintiff filed a "Voluntary Dismissal, etc.," requesting dismissal of the action without prejudice. The Court construes this filing as a notice of voluntary dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. Rule 41(a) permits a plaintiff to dismiss an action voluntarily, without court order, by filing a notice of dismissal at any time before service by an adverse party of an answer or a motion for summary judgment. No defendant has filed any answer or motion for summary judgment in this action. Therefore, under Rule 41(a)(1), the action is deemed dismissed by operation of law. See Com. Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074, 1078 (9th Cir. 1999) ("it is beyond debate

1 that a dismissal under Rule 41(a)(1) is effective on filing, no court
2 order is required, the parties are left as though no action had been
3 brought, the defendant can't complain, and the district court lacks
4 jurisdiction to do anything about it"). This dismissal is without
5 prejudice. See Fed. R. Civ. P. 41(a).

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7 DATED: October 24, 2022 .

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STEPHEN V. WILSON

UNITED STATES DISTRICT JUDGE

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12 PRESENTED this 18th day

13 of October, 2022, by:

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15 /S/

16 CHARLES F. EICK
17 UNITED STATES MAGISTRATE JUDGE

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